

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AVAYA INC.,

Plaintiff,

v.

RAYMOND BRADLEY PEARCE, *et al.*,

Defendants.

Case No. [19-cv-00565-SI](#)

**ORDER GRANTING PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
VACATE MAY 10, 2019 HEARING ON  
DEFENDANTS' MOTIONS TO  
DISMISS AND DENYING  
DEFENDANTS' MOTIONS TO  
DISMISS AS MOOT**

Re: Dkt. Nos. 29, 49, 53, 65

Four defendants (Atlas Systems, Inc., Telephone Man of America LLC, Dedicated Business Systems, International LLC, and Jason Hines) have filed motions to dismiss the original complaint. On April 5, 2019, plaintiff filed an amended complaint in lieu of opposing the motions. Since that date, the Court's clerk has inquired whether defendants would withdraw their motions and received no response.

On April 11, 2019, plaintiff filed an administrative motion requesting that the Court vacate the May 10, 2019 hearing on the motions to dismiss on the ground that the motions have been mooted by the filing of the amended complaint. Defendants' response to the administrative motion was due April 15, 2019; defendants did not file anything.

The Court agrees with plaintiff that the amended complaint moots the motions to dismiss. Accordingly, the Court GRANTS plaintiff's administrative motion and DENIES the pending motions to dismiss the complaint as moot. **The amended complaint does not moot the pending motion to lift the stay with regard to defendant Pearce, and thus that motion remains**

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scheduled for a hearing on May 10, 2019. Dkt. No. 48.

**IT IS SO ORDERED.**

Dated: April 16, 2019



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SUSAN ILLSTON  
United States District Judge